

# WISCONSIN ELECTIONS COMMISSION

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## MEMORANDUM

**TO:** Wisconsin Municipal Clerks  
City of Milwaukee Election Commission

Wisconsin County Clerks  
Milwaukee County Election Commission

**FROM:** Diane Lowe  
Lead Elections Specialist  
Wisconsin Elections Commission

**DATE:** September 18, 2017

**SUBJECT:** Absentee Ballot Envelopes, Revision 2017-08:

1. Standard Certificate Side of Application/Certification Envelopes (EL-122/EL-122m)
2. Special Certificate Side of Application/Certification Envelope (EL-122sp) \*NEW\*
3. Address Side of Application/Certification Envelopes (EL-122 and 122m)
4. Mailer Envelopes (EL-120 and EL-120m)

The Absentee Ballot Application/Certification Envelopes and Mailer Envelopes have been revised. All form variations discussed in this memo have been posted to the "Forms" page of the [Wisconsin Elections Commission \(WEC\) website](#).

### 1. Certificate Side of Absentee Ballot Application/Certification Envelope (EL-122)

No *substantive* changes have been made to the certificate. The changes are focused on design, clarity and readability. *Clerks may use up older stock if it contains all statutorily-required text as outlined below:*

- (Official Use Only) The voter has met or is exempt...
- **Note:** With certain exceptions...
- The required elements of the voter's name and address
- The Certification of Voter and signature line
- Space for date of birth of military and overseas voters.
- Witness Certification and signature lines for witness or 2 SVDs
- Certification of Assistant and signature line

Please do not ask WEC staff if a certificate with an older revision date is ok to use. Clerks should compare the version they would like to use to the current revision to determine if all required elements are included.

Improvements to the certificate design:

- Instructions to voters have been enhanced to prompt the voter to follow proper absentee voting procedure and to obtain more complete and accurate information, especially with respect to address information provided by the voter and witness.
- Each section required to be completed by the voter has been numbered to systematically guide the voter through the document.
- Shading has been added to distinguish between information required to be provided by the voter or witness and areas designated or meant only for election officials.
- Two sections (“Certification of Care Facility Authorized Representative” and “Municipal Clerk Marks this Section if Required”) have been removed from the **EL-122 Standard** Absentee Certificate and placed on the **EL-122 Special** Absentee Certificate. *See further explanation in section 2 of this memorandum.*

*The EL-122 certificate is no longer available in “landscape” design for the following reasons:*

**Postal Equipment issues:** There are at least three addresses on the certificate envelope: The clerk’s, the voter’s and the witness’. When using the landscape design, the text of the certificate and the address of the clerk on the other side of the envelope are both positioned horizontally. The horizontal placement of the certificate has occasionally caused postal equipment to pick up an address on the certificate resulting in the voted ballot being returned to the voter or to the witness, rather than to the clerk. Because the portrait design is positioned perpendicular to the clerk’s address and other information on the other side of the envelope, the likelihood that the postal equipment will pick up an address other than the clerk’s is reduced.

**Readability and Address Labels:** The revision of the certificate to include numbered sections draws the voter’s eye in a downward flow when displayed in the portrait style, rather than down, up and over as is the case with the landscape style. Also, it is impossible to provide a 2.25” space for the voter’s address label on a landscape template that is only 4.25 inches.

## 2. Special Certificate Side of Application/Certification Envelope (**EL-122sp Special**) \*New\*

As previously mentioned in this memo, the “*Certification of Care Facility Representative*” and “*Municipal Clerk Marks if Required*” Sections have been omitted from the **EL-122 Standard** Absentee Certificate. Since these sections of the certificate are only used in two rare situations, they have been placed on the **EL-122sp, Special** Absentee Certificate. The two situations when the **EL-122sp** would be required are described on the **EL-122sp**, itself. You are encouraged to read the descriptions so you are familiar with these situations should they arise.

Printing a supply of the **EL-122sp** is not necessary. If one of the situations described on the **EL-122sp** is encountered, this form can be printed from the WEC website and affixed to an EL-122 Standard envelope with glue or tape.

#### *Ten-Day Durational Residency Requirement*

As you are aware, Federal Judge James Peterson's decision in the *One Wisconsin Institute* lawsuit decreased the durational residency requirement for voting from 28 days to 10 days. The decision was appealed to the 7<sup>th</sup> Circuit Court of Appeals and oral arguments were heard in February. The Commission is still awaiting the Court of Appeals decision; therefore the durational residency requirement remains at 10 days.

**The court could issue its decision at any time, and the decision could be to reinstate the 28-day durational residency requirement.** If this occurs, the text of the certification will require remediation, either by a manual method or by purchasing revised envelopes. *Keep this in mind as you weigh the cost-effectiveness of purchasing a large quantity versus time spent manually correcting envelopes or the expense of having to make another purchase.*

#### 3. Address Side of Absentee Ballot Application/Certification Envelopes (EL-122 and EL-122m)

There was only **one change** made to the address sides of the EL-122 Absentee Ballot Application/Certification Envelope:

- “**Place stamp here**” was removed from the upper right corner of EL-122 NO FIM and EL-122 FIM A. No changes were made to the EL-122m FIM B or EL-122m FIM C.
- The Application/Certification Envelopes (EL-122 and EL-122m) are now available in two sizes: **#12** envelope (11” x 4.75”) and **#14** envelope (11.5” x 5”).

#### 4. EL-120 and EL-120m Mailer Envelopes

- There have been no formatting or textual changes to the EL-120 or EL-120m Mailer Envelopes
- The Mailer Envelopes are now available in two sizes: **#12** (11” x 4.75”) and **#14** (11.5” x 5”).

If you have questions about the envelopes, please contact the Elections Commission Help Desk at 608-261-2028 or [elections@wi.gov](mailto:elections@wi.gov).